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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 STEVEN DARBY MCDONALD,

11 Plaintiff,

12 v.

13 KENNETH LAUREN, et al.,

14 Defendant.

CASE NO. 3:17-cv-05013-RBL-DWC

ORDER

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16 Plaintiff Steven Darby McDonald, proceeding *pro se* and *in forma pauperis*, filed this
17 civil rights action under 42 U.S.C. § 1983. Plaintiff has filed several motions regarding his
18 request for injunctive relief. The Court grants the Motion to Amend, the Motion for Leave, and
19 the Motion for Excess Pages. The Court grants in part and denies in part the Motion to Consider
20 Plaintiff's Declaration. The Court also grants Defendants' Motion to Strike Plaintiff's Legal Face
21 Sheet.

22 **BACKGROUND**

23 Plaintiff is a Washington State Prisoner currently incarcerated at the Clallam Bay
24 Corrections Center. *See* Dkt. 4. He filed his Complaint in January of 2017. Dkt. 1. After the

1 Court ordered service of the Complaint and Defendants filed an Answer, Plaintiff filed a Motion
2 for Preliminary Injunction to Compel Diagnostic Testing and Resumption of Pain Management,
3 to Appoint Private Hepatologist; and Appoint Counsel in which he requested: (1) injunctive
4 relief to obtain diagnostic testing and the resumption of his pain management regimen; (2)
5 appointment of counsel; and (3) appointment of a medical expert. Dkt. 48 at 1 *Id.* at 22-24.
6 Plaintiff then filed a Motion to Amend His Motion for Injunctive Relief (“Motion to Amend”)
7 (Dkt. 51), a Motion for Leave to File Overlength Motion for Preliminary Injunction (“Motion for
8 Leave”) (Dkt. 52), a Motion for Leave to File Excess Pages (“Motion for Excess Pages”) (Dkt.
9 62), and a Motion to Consider Plaintiff’s Declaration (Dkt. 66).¹ Defendants responded to the
10 Motion to Amend, saying they had no opposition, though requesting the Court also re-note the
11 Motion for Preliminary Injunction. Dkt. 54. Defendants have filed a Response to Plaintiff’s
12 Motion for Preliminary Injunction. Dkt. 56. Plaintiff also filed a Legal Face Sheet (Dkt. 75),
13 which Defendants have moved to strike (Dkt. 77).

14 DISCUSSION

15 I. Motion to Amend and Motion to File Excess Pages

16 Plaintiff first filed the Motion to Amend (Dkt. 51) and then filed the Motion for Leave
17 (Dkt. 52). Defendants stated that they do not oppose the Motion to Amend (Dkt. 51), but request
18 that the Court re-note the Motion for Preliminary Injunction. Dkt. 54.

21 ¹ Also pending before the Court are Plaintiff’s: (1) “Motion for Immediate Ruling, which will be addressed
22 by the Court in a separate order (Dkt. 60); (2) Motion to Notify the FBI of Potential CM/ECF Hack, which will be
23 addressed in a separate order (Dkt. 63); (3) Motion to Compel Discovery, which became ready for the Court’s
24 consideration on January 12, 2018 (Dkt. 80); (4) Motion to Extend Pretrial Discovery, which is ready for the Court’s
consideration on January 12, 2018 (Dkt. 85); (5) Motion for Extension of Time, which is ready for the Court’s
consideration on January 12, 2018 (Dkt. 88); (6) Motion to Vacate General Order 09-16, which will be addressed in
a separate Report and Recommendation (Dkt. 91); and (7) Motion to Compel Specific Documents, which is ready
for the Court’s consideration on January 12, 2018 (Dkt. 93).

1 Because Defendants do not object to either Motion, the Court grants both the Motion to
2 Amend (Dkt. 51) and the Motion for Leave (Dkt. 52). The Clerk is directed to combine
3 Plaintiff's Motion for Injunctive Relief (Dkt. 48) and Motion to Amend (Dkt. 51), and place it on
4 the docket as Plaintiff's Amended Motion for Injunctive Relief ("Amended Motion"). Plaintiff
5 may supplement the Amended Motion on or before January 5, 2018. Defendants may file a
6 response to the Amended Motion and any supplements by January 29, 2018.

7 **II. Motion for Leave to File Excess Pages**

8 Plaintiff's Motion for Excess Pages (Dkt. 62) seeks leave to file a reply brief containing
9 six-pages beyond the limit prescribed by Local Rule 7. Motions for over-length briefs are
10 generally disfavored, but may be granted under certain conditions. LCR 7(f). The filer must ask
11 for a specific number of pages and the motion may not be more than two pages. *Id.* Plaintiff
12 adheres to these requirements. In addition, he only asks for six pages beyond the 12 normally
13 allowed in a reply brief. Because of this, leave to file excess pages is appropriate. The Court
14 grants Plaintiff's Motion for Excess Pages (Dkt. 62).

15 **III. Motion to Consider Plaintiff's Declaration**

16 In his Motion to Consider Plaintiff's Declaration, Plaintiff asks the Court to consider his
17 declaration when it makes its determination about his Motion for Preliminary Injunction "at the
18 preliminary injunction hearing scheduled for October 20, 2017." Dkt. 66. The Court has not
19 determined whether it will schedule a hearing on the motion for preliminary injunction, but it
20 will consider Plaintiff's declaration (Dkt. 49) when it makes its determination about the
21 Amended Motion. Because the Court has not yet decided whether to schedule a hearing and the
22 hearing date referenced by Plaintiff has already passed, the Court denies Plaintiff's Motion to
23 Consider His Declaration (Dkt. 66) "at the preliminary injunction hearing" as moot.
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1 **IV. Defendants' Motion to Strike**

2 Defendants have filed a Motion to Strike Plaintiff's Legal Face Sheet. Dkt. 77. Local
3 Rule 7(g) requires that motions to strike should only be filed in conjunction with the response to
4 the offending motion or pleading. However, the Court has inherent power to control its own
5 docket. *Ready Transportation, Inc. v. AAR Manufacturing, Inc.*, 627 F.3d 402, 404 (9th Cir.
6 2010). This authority includes the power to strike an item from the docket as a sanction for
7 litigation conduct. *Id.* Here, the Court has already warned Plaintiff to refrain from name-calling
8 and personal attacks, and has further warned Plaintiff the Court may decline to consider
9 documents containing offensive language. Dkt. 59 at 5-6. Nonetheless, Plaintiff has filed a
10 document calling members of the Department of Corrections "Sex Freeks [sic]," a "Dope Fiend,"
11 a "Horn Dog," as well as Nazis and member of the KKK. Dkt. 75 at 1-3. Because of this
12 offensive language, and because the Court has already put Plaintiff on notice, the Court uses its
13 authority to strike items from its docket as a sanction and grants Defendants Motion to Strike.
14 Dkt. 77. Plaintiff's Legal Face Sheet is stricken. Plaintiff may include information contained in
15 the Legal Face Sheet relevant to his Amended Motion in his supplement on or before January 5,
16 2017. However, if Plaintiff includes any offensive language, name-calling, or personal attacks in
17 any future filings, the Court will exercise its authority to strike them as a sanction.

18 **CONCLUSION**

19 For the reasons noted above, Plaintiff's Motion to Amend (Dkt. 51) and Motion for
20 Leave (Dkt. 52) are granted. The Clerk is directed to combine Plaintiff's Motion for Injunctive
21 Relief (Dkt. 48) and Motion to Amend (Dkt. 51) and place it on the docket as Plaintiff's
22 Amended Motion for Preliminary Injunction.

1 The Clerk is further directed to note the Amended Motion for February 2, 2018. Plaintiff
2 has leave to file a supplement to his Amended Motion on or before January 5, 2018. Defendants
3 may file a Supplemental Answer to the Amended Motion and any supplement filed by the
4 Plaintiff on or before January 29, 2018.

5 Plaintiff's Motion to File Excess Pages (Dkt. 62) is granted. Plaintiff may file a reply
6 brief no more than six pages beyond the standard 12 page requirement.

7 Plaintiff's Motion to Consider His Declaration (Dkt. 66) is denied as to it being
8 considered "at the preliminary injunction hearing" but is granted in part as the Court will
9 consider the declaration when considering the Amended Motion for Preliminary Injunction.

10 Finally, Defendants' Motion to Strike (Dkt. 77) is granted. The Clerk is directed to strike
11 Plaintiff's Legal Face Sheet (Dkt. 75) from the docket. The Clerk is further instructed to
12 watermark each page of Plaintiff's Legal Face Sheet (Dkt. 75) as "stricken." The Clerk is finally
13 directed to place Plaintiff's Legal Face Sheet (Dkt. 75) under seal.

14 Dated this 21st day of December, 2017.

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17 David W. Christel
18 United States Magistrate Judge
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